Englands Command

SEAS

The English Seas GUARDED.

Wherein is proved that as the Venetians,
Portugals, Spaniards, French,
Danes, Polands, Turks, the Duke of
Tuscany, and the Popes of Rome
have Dominion on their Seas; So the
Common-wealth of England bath on
our Seas.

Wherein the Dutch unjust procuration and prosecution of War against England is also described.

Sic Venetus stagnante Pado, fusoq; Britannus.
Navigat Oceano—

Venice her Gulf, and River Po doth keep: The English on the Ocean vast and deep.

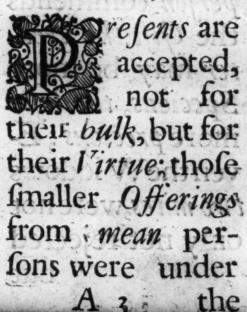
London, Printed for Fos. Blaik-lock in Ivielane, next doore to the signe of the Acorne, I 653.

The English C Wherein is giveed that at the Venicionis Portugalist Spaniards, Dench. Danes, Polands, Tucke, the Duke of Lakeny, while Pass of Rona the contract of the course of The property of the second adding to the Appellant Assert Land trade this out all some Vencing Sagrants Fade, safet; enracOuraved to the freed of the carrier.



To the Right Honourable the Council of State.

Grave Senators,



the Law; not only appointed, but approved off by God himself; the Intention not the person commends the Gift: the greater may be more Specious, the lesse more precious; Even the Widdows two mites, were not only not rejected but

Dedicatory.

but received and commended by Christ himself.

Vpon these I gathered courage and confidence to Offer this small Tract to Your NobleProtection: who have fufficient Ability to Defend it from Injury.

And

The Epiftle And I hope Your Honours will be willing to afford it your Acceptance; It speaking but what's true, and needfull at this present; It shews what other Nations have done, and to their utmost uphold, what this Land hath in former

Dedicatory . times rightly and powerfully performed by our victorious Navies at Sea; and as tishoped and expected will be as resolutely and powerfully Continued and Augmented by Your folid Wifedome, Your happy and fuccesseful Government. It layes

The Epistle

layes open those fubtile and Invading Enemies the Dutch; with their unjust attempts against us of this Nation, together with the manifold miseries our Land will be subject unto in a short time, if our Seas be debarred us by that Insolent people.

Dedicatory.

So praying that God would specially Assist and alwayes Direct you in all Your Honorable and Weighty Consultations, I crave Pardon and Humbly

Am,

Your Honours Servant,

Donald Lupton.

Dedicatory. Soprayingthat God would frecially Afsin and alwayes Direct you in all Your Lono! rable and Weighty Confultations, cieve Pardon yldranil bas

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Your Honour Servant,

Donald Lupion.

England's Command on the Seas, or, The English Seas Guarded.

EE might have framed a long liscourse concerning this subject, from several lexts of the Word of God, which do denote and shew how several Nations and People have not onely assumed and exercised a Power and Dominion upon the Seas; but it is evident that they were B invested

invested into that Power by the bleffing of God: We will not enlarge upon them, only we will quote some of many; as Numb.34. your south bordershal be from the utmost Coast of the Salt Sea East-ward; and v. 5. The border shall fetch a compasse unto the River of Agypt, and the goings out of it shall be at the sea.v.6. You shal even have the great sea for a border. So also Moses blessing the severall Tribes, when he comes to Zabulon and Iffecar fayes, That they Shall fuck of the abundance of the Seas, and of treasures hid in the Sand. Surely this showes they should have power and

and Dominion on, and in the Seas; And Jacob when he bleffed the Twelve Tribes, pronouncing the blefsing upon Zabulon Gen. 49. 13. fayes plainly, yet prophetically; Zabulon shall dwell at the Haven of the Sea, and be shall be for an Haven for fbits: And the Prophet David describing the Soveraignty of Christ, in Ps. 72.8. He fhall have (faies he) Dominion from sea to sea; and also Pfal 89.25. I will also set his hand in the sea, & his right band in the Rivers; and God by the Prophet Isaiah, describing the downfall of Tyre and Sydon and Tarshish leaves not out B 2 the

4 Englands Command

her great power she formerly had on the Seas, Ifaiah 23.2,3,4. and also of Tyrus Ezechiel speaks Ezech. 26. 16,17. how all the Princes of the fea shall come down from their thrones, and take up a lamentation for her amongst other sayings, this is one part of their mourning, the Renowned City which was so strong in the fea: and at cap. 27.3. Thou that art scitnated at the entry of the Sea. V.4. Thy borders are in the middest of the seas, and the Prophet Nahum 3. v.8. speaking of Ninivees destruction sayes, Art thou better then populous Noah? that was scituate c scituate among the rivers, that had the waters round about it, whose Rampart was the sea, and her wall was from the fea: these several Texts demonstrate sufficiently that the Seas have been allotted and allowed to severall Nations, and it appears also, that as long as Gods bleffing was upon a Nation, he still kept up their power at Sea, fo also when he intended their ruine and downfall, he did then weaken and take away thier dominion at sea, but we intend not a Theologicall Tract; to leave these, we intend to make it plain to all our Countrey: men

men in these particulars

following.

I. How all Nations of Christendome that border upon the seas, have, and yet do hold their power and Jurisdiction on, and in their respective seas: and more specially.

1. The Venetians.

2. The Portugals.

3. The spaniards.

4. The French

The Daner and Nor-

6. The Polanders.

7. The Turks.

8. The Duke of Tufcany.

9. The Popes of Rome.

II. That as all these Nations uphold; and to their

their utmost defend their severall and respective powers and Jurisdictions upon their feas: so it is as lawfull for the Commonwealth of England to do the like, wherein we shew,

1. The great rule, authority and power of the Admiralty of England in

our seas.

2. That all forreigners whatfoever were wont to ask leave to passe and repasse our seas, and that without leave first had; none durst offer or attempt the passage over them.

3. That all forreigners as well French, as Hollanders ders, and Zealanders, and others: have at all times humbly asked leave of our Princes or of their officers to fish upon our seas, wherein is shewed also how glad they were to have it granted, and what store of Wealth they have gotten by it.

4. What Customes and Taxes and impositions have been laid upon all that had leave to fish.

5. That all other Nations coming with leave upon our feas have stroke sail or vail their Top-sails to our ships of war, and to our Castles.

6. The miserable inconveniencies

veniencies and dangers our Nation will in short time feel and fuffer, if we do not uphold the dominion at sea against all Invaders or Oppofers, either Dutch, Danes, French, &c.

7. The injustice prefumption, and ingratitude of the Dutch made apparant to quarell us upon our seas by feverall reasons and undenyable Arguments and first viz.

1. They begun the war. .
2. Against us.

3. For our own goods. and rights.

5. By their combining

with others.

B 5

Venice.

Venice.

WE begin first with that ancient and rich State of Venice, scituated in the Adriatique Gulph, commonly called the gulph of Venice of which Zan Nazarius in lib.1. Epigram sayes,

Viderat Hadriacis Venetam

Neptunus in undis

Stare urbem, O toto ponere jura mari.

That is,

Rich Venice in the Adriatick fea doth stand

And doth by Right and Might that Gulph command. It cannot he denyed sayes a good Writer, but that of Ancient time, the Venetians and their Seigniorie have been possessor and Lords of their Gulph, and therefore the Venetians by an undoubted right may justly forbid rhe Genoeses and any others from coming upon, or sailing through their Gulph. Angelus de Vbaldis. de jur. Fisci. lib. 8.

There wants not sufficient examples to shew how other Princes and Potentates have asked leave of this State to passe and repasse their seas: which they have so metimes granted to

fome:

12 Englands Command fome, and fometimes denyed to others.

They granted it to Ralph Earl of Sales Anno 1399.In the name of Ladislans K.of Naples & W. Archaduke of Austria to convey the fister of that King espoused to the Arch-Duke out of Apulia into the Arch-Dukes Territories, yet though they granted it, they made conditions, and some expressions concerning the quality of some persons not to be then transported, as also the bignes and quality of the ships to be considered. Francis. de ingenuis in Epist. de Venet.jure.

And.

And so Frederick the third though an Emperour did ask leave twice of this State of Venice to carry and transport corn out of Apulia through their Gulph.

As also of the Kings of Hungary have petitioned this State of Venice to grant leave for to transport cornthrough their Gulph. Anton peregri. de jure sisci. lib.

8. sect. 19.

So also the Venetians have and do yet make those that come upon the Gulph to pay Custome and Tribute, and that upon default they have power to confiscate such Goods and Merchandises, and to impose the Gabel

14 Englands Command

Gabel upon them, for they acknowledge none superior to themselves, and this is, as the Authour sayes, quia tantam habent jurisdictionem in mari: because of their ample Jurisdiction and power they have in the sea, especially the Gulph, Bartho. Capola. cap.26.

So another, is to be concluded (sayes he) that all fishing and whatsoever belongs unto it, in the Adriatick sea doth of right appertain to the State of Venice, and consequently, that State hath sole, and absolute power, either to permit, or forbid any; to impose,

pose heighten or lessen the Gabel upon all forts of fishers, Anton. peregrin.de jure

fifci. lib.10. 6.18.

And a great Civil Lawyer even an Adversary to that Common-wealth, for (he was of Naples) yet confesfes plainly that the Venetians for certain have the Rule and Dominion of their Gulph, and proportions how far it reacheth al-So. Julius pacius Marta.

And Flavius Blondus affirmes that the Venetianshave had alwayes power to proportion Custome, to fuch who faile on their Gulph. And for this purpose to prevent all fraud

and deceit, they appointed a State Officer and furnished him with sufficient Barks and Vessels to demand it, and to fail from shore to shore, and from port to port by night and day to see it estected accordingly. Decad 2:1.8.

of

Of the Spanish and Portugalls Dominion.

For the Portugals, as they have been great Merchants on the South and Eastern Seas, so they alwayes provided to keep up their Customes concerning their priviledges on their seas. What can be meant else by their inflicting death on such as shall offend, & cofiscation of all their Goods beside, witnes that Edict and strict Ordinance published, which runs in these words, whoever

ever shall come into our Coasts, Lands, or Regions, especially those of Gumy & India, or into those Seas, or into any other Seas under our subjection; either for Commerce, Trading, Navigation; or, who shall come with Arms and Ammanition to fight without out leave, licence, and authority first had and obtained, shall for fo doing and attempting, loofe his, or their heads, and suffer confiscation of all his, or their goods: and though there have been, and yet are fome who have questioned and scrupled at the large extent of the Fortugals power upon

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upon the South-seas, and those of India, as usurped; yet they still hold them, and will uphold their seacustoms and priviledges, as well knowing the riches, safety, and benefit of them.

And to the Defending their jurisdiction on the Seas, they give power to their Admiral to search and finde out such as shall any where resist, and to seoure their seas; and if they finde any offending, or denying obedience, to force them to it, and call them to triall if taken: Jacob. Valde sins quinto lib. de ordinacones tit. 112.

Next, let us fearch what the Spanyards hold concerning And another Writer fayes,

the Dominion of the Sea, belongs to him or them, on whose Borders it lies. Garcias Hisp. lib. de expen. Cap.

But more remarkable is that title given to the King of Spain, stiling him the King of the Ocean; this is known by that of Charls the fifth, Emperour of Ger-

21. num. 24.

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many and King of Spain: In the Preface for the fetling of publike judgments in his Empire, he is stiled king of the Mands, Canaries and of the India Islands, of the feas, and the main Ocean and firm Land, Arch-Duke of Austria, &c. and in the Imperial Charters and Decrees in the Germain tongue. Konig. up de Insulen Canaria Auch der Insulen Indiarum un terræ firmæ, dess Maers, Oceani, Oc. Seldenus in Mare Clau-Sum, cap. 17. p. 74.

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Of the French.

Here is not any Nation who feems fo fout to defend their Sea-right as the French; yet they of all others have left performed it; for during not only the Wars, but the time of the Soveraignty of the Kings of England in that Nation; the French who could not, nor durst fight us at Land, had leffe power and will to affront us at Sea: but yet there want not Testimonials of their Priviledges, used against such as should intrench

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trench upon them at Sea 3 and for certain 'tis, though a Nation may for a time be debarred its just Dominion of the Sea, by an overpowering Sword; yet they will endeavour to recover their Rights, Power Priviledges and Jurifdiction again: To speak therefore of these a little, may we not follow the footsteps of them, who have in part discovered in these particulars the Cuftoms of the French concerning their Seas.

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Capitular. 169. Caroli & Ludovici Impp. lib. 4. tit. 5.

Concerning

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Concerning those Counts or Earls deputed and intrusted for the custody of the Sea-coast, and more especially one Rolland, Admiral for the Coast of Brittaigne, in the time of charle-maign, is to be feen, that he did then impose Taxes, Tributes, or Customs upon fuch who traded on their Seas, and put into any of their Ports; and not onely defended the right of their Action, but also added punishment to any that transgreffed; So also did those of Lyons under their Prince, Alan and others; and if any came in or departed without leave of the Prince, or his

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his Admiral, there was then a publick confiscation of fuch ship, or ships with their materialls, and if they did suffer shipwrack; that fuch Merchandise as could be recovered should he pillage: but if they had leave to put out to sea, then if any storm arose, or if they did miscarry, yet the goods that could be faved, should belong to the Owner. Bertrandus in Histor. Brit.minor lib. 1.cap. 13.

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And nothing is more certain, then in the League betwixt our Edward the fourth, and Francis Duke of Bretaigns concerning commerce and Trading betwixt

betwixt them, it is confesfed, and indeed their own Civil Lawyers attest it that our King at that present was true Lord and Soveraign of those seas, and this League was to continue for 30 years: and though during the warres betwixt England and France, the English did possesse themfelves not onely of a great part of the land, but also of the Sea, as of those of Picardy, Normandy and Gafcony, yet the war ending we know they not onely did rule and command those seas, but the French theirs also, & so hold their Jurisdiction and Soveraignty

raignty of them at present, so that what the French could not do being Conquered, the English did do,

being Conquerors.

Nor will we omit those two constitutions or Ordinances, the one of Henry the fecond, the other of Henry the third An. 1555. 6 1384. by which tis decreed that all thips of forreign Nations coming upon the Fnenah coasts, should Arike fail to the Kings ships and tis faid plainly, in Imperii Marini Gallorum reaegnitionem (that is,) in acknowledgement of the French Soveraignty over their feas. ed as the

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of the Danes,
Norways, Polanders, and
Turks.

WE have evident and experimentall testimony of those Nations, how they hold up their Dominion in the feas, as for the Danes and Norvegians their care in this is fo frict, that the very gains that come into their Treafury by Impost and Custome, are the greatest of all others, especially when they were inhansed, and advanced as they were by Frede-

Frederick the second King of Denmark and Norway, towards our English Muscovia Merchants 1583. that he made as much profit by the command of the Sound in the Baltick Sea, as he did by all his Land. So that he got fo much by the Dominion of his feas, that the great Muscovite was glad to come to Composition with him, or else he would as he might have done, interdicted and hindred all Trade into, or from Muscovy.

Their power has been fo strict and great, that it does appearin the Ancient Records of Denmark, in

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the

30 Englands Command the time of Harold Hildetane King of Denmark, ne quisquam sine ejus nutu, &c. that none should dare or prefume, without his confent and good will, usurp, or take any profit on his feas, because as tis said, his benefit and power came in, and confifted by the fea, as well as the Land , Selden. in mare clausum p.80. & Dan. Hist. lib.7. Tis recorded how many Princes and Potentates King Olo did fubdue and deftroy by his power at sea.

And tis certain that A-dolphus Gustavus King of Sweden did renounce and disclaim all Right, Domi-

nion .

nion and superiority of the fea in Normay, Northland, and all other Kingly claims in Wardhuisen which did any way concern fea bufinesses, and this was in the Reign of King James, Jun.

1613.

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and for the Kings of Poland, we have an evident Demonstration of their care to defend, guard and secure their seas, for when Henry the third King of France was elected by the States of Poland, to be their K. his Lords Embassadors did promise for him, that when he should enjoy the government of that Kingdome then he should. C 4

should suo sumptu Classem sufficientem, & necessariam sustentare ad tuendos portus dominium maris, (that is) at his own Charges keep a necessary and sufficient Navy to defend those Haven Towns, and uphold that Soveraignty of the seas, which did belong unto that Kingdome of Poland: Syntagm. statutor. lib. lib.3.tit. 1. fol. 109.

Of

Of the Turkish Soveraignty in his Seas.

The Turks as they are the powerfullest Nation by Land, so thy are not negligent to hold up their power by sea, and therefore being possessed of Constantineple & indeed almost of all these Greeks Empire, except some few Islands which the Venetians hold up, fo that they stile' themselves Lords of the black and white seas, for fo did Achmet the Turkish Emperour in his agreement C 5 with"

Yet one more because 'tis remarkable, and true, 'tis known, that the Turkish Emperor caused those two impregnable Castles called the

the Dardanels to be builded, the one upon one fide of the Hellespont, and the other on the opposite shore in both which he hath planted great numbers of Canon, and they are of ex-, ceeding bignes, and command the respective Governours of them, that fa qua Navis, (that is) if any, ship should attempt to passe or repass against their wils, that they should sink her forthwith, which Custome he holds and continues to this very day. Corolia. Cappicus in bello Afiatic. lib. 2.

And it is for certain that twice a year the Turks fet out Gallies with fouldiers

to fcour the feas; and to go from Port to Port, to demand subjection and obedience, and some present or other to their Commanders, from all who trade, or are found in their Harbors, or upon denyall to force them to it, or fink them, whereupon that memorable fight happened 'twixt two English ships, and their Turkish Gallies sent out for the same purpose, but the Captains of the English Thips would neither strike fail, nor yet fend any prefent to them, whereupon the Turks with all their power affailed them, the fight was gallantly maintained by

by the English, but at last being overpowered with multitude, and having not one gale of wind to come off, they were both funk, and all the men killed, and made Daves, & our Turkish merchants goods had much ado to be faved in constantinople. the ships belonged to Alderman Freeman, after Lord Mayor of London, the Captains name was Hugh Ellis of Limehouse or Wapping.

tick sea doth serve the Venetians, the Ligurian sea the Genoeses, and the Tyrrhene is the Duke of Tuscanie, every one of these, not onely defend and maintain themselves by their propriety to those seas, but have and will sight to uphold their ancient Dominion over them respectively.

Of the Grand Duke of Tuscany, &c.

This great Dukedome though rich and fertile for all forts of commodities, yet the Prince keeps his Dominion of his feas, how great are the Imposts and Customes of one of his Ports, onely (to wit) thet of Ligorn, though there be many others, yet one fayes plainly, that Mare Adriaticum Venetiis, Mare Ligusticum Genoensibus Tyrenum vero Pists & Inscha in-Servit. (that is) the Adriatick

Of the Popes Power over the Seas.

Briefly (though we the see of Rome to fave mens fouls if they be Petens successors, then to Lord it so mightily either by sea or Land, yet that the world may fee his jurisdiction and power at sea, in the Roman sea belonging to Rome, we will give you some expresfions of his to fet forth his lofty mind. Barth. Ugolinus De cen uris Pont.reserv.part. 2. fed. 1. Excomm unicamus d'

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O Anathematizamus omnes piratas Cursarios ac Latrunculos Maritimos discurrentes Mare nostrum (that is) we excommunicate and curfe all Pirates, Sea Rovers, and thieves, whomsoever that shall hover on or rove on our Seas, and if any take any herrings upon any Holy day, they shall and must pay some to the next Churches, and specially to those Churches which ly nearest to that place where they took them Gloff. 2.tit: de feriis.

And further it is, and shall be lawfull for any free Citizen of Rome, or Inhabitant of the same, to fish

upon.

40 Englands Command upon Tyber, and the fea belonging to our Jurisdiction at what time,& with what art they can, and it shall be unlawfull for any to molest or rob them, provided, they meddle not with waters which belong to other Lords or States, and certain places excepted and named, in which, fine licentia piscarinen licet. Without licence of the Recorder, it is not lawfull for them to fish. Stat. Urb. Rom: lib. 3. c.ip. 72.

Of the English Soversignty in the Seas.

CURe and certain it is, Othat as by the Law of Nature and Nations all other Principalities and Kingdomes, Dukedomes, andCommon-wealths have and do uphold their Titles, Priviledges and Dominion over, and in their Seas; it is as just for our Common-Wealth to do the fame, for why not we use our power, as well as others? are all others free, and shall we now be made flaves? and **Chall**

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44 Englands Command

shal we now be made slaves, shall all other Princes enjoy their own, and shall we be debarred and rob'd of ours? and by fuch onely, who have no justice to claim or conscience to oppose it, fhall be made good therefore to all, what absolute, and just Right and Dominion we have to our feas; and I hope, if my peu be not of force to convince those insolent Dutch; yet our thundring Cannon in frort time will confound them for their ingratefull and impudent injustice and presumption. Have the greatest Kings and Princes of Christendom been glad to ask

ask leave to come upon and passe and repasse our seas, and shall we our selves ask leave of others to do it now? Durst not the stoutest of all Nations dare to fish upon our coasts without leave first granted, and satisfaction promised, and given, and shall we now not dare to do ir our felves? Have our Admiralls and our Navies been the terror of Europe, and shall we fo foon be stript both of valour and goods too? what, have the Dutch now that liberty and power to themfelves, which they formerly begged for at our hands, or is their Right now become

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Englands Command come for because they imagine they have might to effectir, thall all force if offered, and prevailing, be accounted for just? If they be for bold to attempt to get why not weas good and refolute to hold our own? we hinder them not of theirs, why should they debar us from ours? cannot, or must not our men go out of their own houses or Havens for fear of Vantrump or a Bonish Dutchman: that we may, & by Gods protection willswe lay down these conclusions and Arguments, to show to the whole world the bafenesse of the Dutch, Hollanders, and Zelanders, with o-

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thers who are combined to affift them against our just Rights and priviledges upon the seas.

1. That the Dominion, Government, Rule, Juris-diction and Command of our seas hath alwayes belonged and been upheld by the English.

2. From the custody, Rule, and Admiralty of England in our seas.

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3, From all Forreigners, asking leave to passe and repasse our seas.

4. From the giving of liberty to forreign Nations to fish on our seas, and that by leave onely from us, and from Customes paid to us. Thomas

Thomas Moulton was in the Reigne of Henry the third stiled Capitaneus & custos Maris, the Lord Admirall and keeper of the feas, Rot. part 8. Hen. 3. and under him the Cinque ports kept the coast of England, and the seas, Henry 3. hence was that Commission to Sir Hugh Crequier to guard the seas. Edward the first appointed three Navies towards the guard of our feas one for Tarmouth Road, another for Portsmouth, and the third for the Western and Irish Seas, Edward 1295.

In the Reign of Edward the secondals there were three

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three Admiralls for the the faveguard of our seas: the Lord Oturmin, the Lord Kiriel, and the Lord Felton, custodiam Maris habebant, say the Records, and these guarded our seas.

And in that first Parliament of Edward the third, fourteenth of his Reigne, that they would have a care to secure the peace of the Land, & limitis Scotici & Maris (that is) and of the borders of Scotland, and of the seas.

And so under Richard the second, Hugh Calverley was made Admirall, and Thomas Piercy was joynd in Commission with him to

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order and govern the seas, for that year, 2. Rich. 2.

And so it was in full Parliament agreed that the Earl of Salisbury, John Earl of Shropshire, John Earl of Worcester, and James Earl of Wilts, with the Lord Stourton, (under King Henry the fixth, should have the guarding and Rule of the seas, cum classe numerosa, with a mighty Navy, and afterwards that care was committed to John Duke of Excester. Henry 6.38.

And further in the Reign of the same King, the Commons desired, and did think it fit that the seas be kept.

Rot. Par. 20. Hen. 6. Artic. 29.

And

And no lesse appears by Chancer who lived in the time of King Richard the second, a famous Poet, who sayes, (ut mare custodiretur) that the sea might be guarded and kept, and he gives this reason.

Keep your Seas'twixt Orwell and Middleborough Still, Tou'l be fure to have wealth Flow in at your will,

Da of

of the Tributes,
Taxes, and
Subsidies, paid
for our safeguarding the
Seas.

TO passe over the point of Dane-Gelt and such like pressures of this Nation, though indeed it was used by William the first and second, and by Henry the first, and by Stephen, Kings of England, yet it was imployed for the custody and safe guard of the seas, that they might

might not be infested by Danish Pirates, nor the Land fuddenly invaded, and it was in the Raigne of Edward the first laid out to the same purpose, as it is evident in Rot.72. penes Camerarios Sacrarii. And to this purpose likewise was Subfidy money granted in full Parliament in the time of Edward the third, for to fafe-guard the Realm and the Sea, the Scotch borders, Gascony and the Islands belonging to England, this was then thought just and necessary, not onely by the King and the Lords, but alfo by the Parliament. Rot. Tarl. 13. Edw, for they include

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34 Englands Command

slude the fafety of the, Land to bee by the able guarding of our feas, and what is worth Observation, tis certain that in the Reign of Riebard the second there was a cerrain Tax and Tribute laid upon any ship, as well Merchants, as Fishermen, and not of our own onely, but also upon any forreigner whatfoever that should passe upon our Northeast or North feas, and this was imposed, ad maris tutelam, for the safety of the Seas. Every ship according to the burthen or Tun paid a certain and fet rate 6.d. except such onely who paffed from Flanders to London,

London, or to Calice with Wooll or Hides. Every fisherman paid 6.d. for the Tun weekly, and to this end, there were fix fout men of war appointed and set out to fea. Rot. Par. 2 Rich.part. 2. Art.39.8 fo all Colliers failing from Newcastle and carrying Coals, paid quarterly after the Rate of 6 d. the Tunne, and not onely thefe, but all other passengers for passing and repassing, and specially such who fished, if Forreigners.

Also in the Reign of Henry the sixth, William La Poole Duke of Suffolk was accused in Parliament, because he had not rightly

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56 Englands Command imployed the Subfidy monies, for, and towards the tuition and fafe keeping the feas. Rot. Par. 28. Hen. 6. And in the 32.0f his Reign there was a Subfidy granted of 4000 ol. in tutelam Maris. (that is) for the defence of the seas. To shut up all, who may not find in the Acts of Parliament, as the I. of Ed. 6. the first of Queen Mary, the first of Queen Elifabeth, and the first of King James, that the Parliament allowed Subsidies for the defence of the Realm, and safeguard of the feas, and for entercourse of Trade, and traffick, and for Merchandises to come safe into, or to be exported

exported hence, as also to hinder any for disturbing our Land by Invasion, or our feas by Piracy; what need all these have been fo carefully profecuted but onely to shew our Rights, and lawful Jurisdiction upon our feas.

To proceed, if we should shew the world, the power and large Commissions given to our Lords High Admiralls of England, they furely would evidence our Dominion at sea: in vain had they been granted, if not of Right, or if not executed, and to speak truth we find no mention of any sea-fights concerning our title D 5

title, none were fo bolda; then, or fo unjust to challenge a Dominion, or to ufurp it on our Coasts, other differences betwixt Kings and Princes caused wars often at Sea, but not this one, which now the infolent and injurious Dutch alone have: raised to quarrel with us:tofatisfie all men, we will render the form of the Commission of the Lord High Admirall of England, as for many years it hath been granted forth.

Damus & concedimus N.
magni Admiralli nostri Angliæ Hiberniæ Walliæ, ac Dominiorum, & insularum eorundem. To English it in
part

part, we give and grant to N. the Office of great Admirall of England, Ireland, and Wales, and of our Domimons and Islands of the fame, but what power is included? it is plain, that as occasions were greater or lesse, so his Commission was limited or extended, even as far as to Calice, and the Marches thereof, and to those of Normandy, Gascoyn and Picardy, and therefore one Commission runs, so that we have made, appointed and ordained N. to be Lord High Admirall as aforesaid, and do of our." fpeciall grace and know-Iedge give and grant unto No

N. our great Admirall of all our Navies; and feas aforefaid, all and fingular the Jurisdictions, Authorities, Liberties, Offices, Feodes, Profits, emoluments, Shipwrecks, &c. as alfo all advantages, commodities, preheminences and priviledges whatfoever belonging or appertaining unto the faid Office of our great Admiral of England and Ireland, and of all other our foresaid Dominions; and when he was invested with this Honor, he was to use his utmost skill and power to put his Commission into execution, but what did that concern? to secure our seas, to

fight enemies, to take Pirates, to demand Customs, and Sea Taxes, to protect our Fishermen, to hinder other people from fishing, except leave was first granted to them, and they had agreed to pay what was Imposed on them for their fishing, and to this end the Admirall had power to divide his Navy, some to the North seas, some to the Eaftern, and some to the West, and what did all this shew, but that the English have and alwayes had an undoubted Right and Dominion in, and over the fear. That learned Antiquary Sir Hen. Spelman in his Gloffary hath

hath fet down the names, and the year of our Lord, with the Kings that reigned respectively, of all who have enjoyed that Office of Admiralty, or keepers and Guarders of our seas time out of mind, and it seems wonderfull, that four fuch huge Navies should be managed and fet forth to fea, the least whereof consisted of one 1000 Sail. The first that bore the title of Admirall of all England was Richard the younger fon of Alan, Earl of Arundel and Surrey, and this was conferred on him September 10. A. 1c. Rich. 2. Hen. Spel. Gloff. p.15.

And

And

And that great Antiquary by diligent fearch and industry hath brought them down from Richard Lucy the first, in the eighth year of Henry the third, as well for the North feas as the VVeft, unto our times, even unto the 6.of K. James. For certain, large was our Soveraignty at fea: if we pleafe to note two or three of the Lord Admiralls Titles to avoid tediousnesse, for in the first of Edward 6. Thomas seymor Knight, Baron of Sudely, Brother of Edward Duke of Somerset, was Admirall of England, Ireland, Wales, Calice, Bulloign, &c. Feb.17.

And in the third of Edward the fixth, John Dudly'
Earl of VVarwick, Viscount
Lisse Knight of the Garter,
Lord high Admiral of England, VVales, Calice, Bulleign,
and the Marches of the
same, of Normandy Gascoyn
and Picardy, and chief Governour of our Navies, and
of all the seas.

And so Charls Howard, Baron of Effingham, his Titles go as high in the 27. of Elisabeth: and as they had large Titles, so had they as great force and ability to execute such Right & Title as we have so the seas, that they are stilled our seas, and in the second of Edward the third.

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third, they are called quatuor maria Angliæ (that is) the four seas of England what an Ancient & Honourable propriety is expressed and engraven in these words.

Next follows to shew our Dominion on the sea are Letters of Credence from our Princes in favour granted to fuch, who have asked leave to passe or repasse our feas, fuch was the leave, and fafe guard granted to Ferrando Urtis of Sarrachon, a Spaniard to fayl from the Port of London, through, and by our Kingdomes Territories and Dominions to Rochel Rot. Franc. 5. Hen.4. Membr. 11. Jan.5. And Charls Charls the 6. King of France fending to Robert the third King of Scotland about entring into League with him, got leave first for free and safe passage from King Henry through his Dominions, Territories, and possessions, by sea and Land, it seems by these, that England kept the Government of the seas without controll then, and why not now?

But remarkable is that story; how in the Reign of Qu. Elisabeth, the Kings of Denmark and Sweden too, as also the Hanstowns did often and earnestly sollicite, and petition her that shee would be pleased to give them

them leave to passe and repassHer seas, so they counted them then to be, that they might carry corn into Spain, in that time while England and Spain were in war one with another, She wifely did deny them, but they thinking to feal thither without her leave, were taken and made prize, even as they were failing into Lisbone 13.Jun.1589. See this also in Thuanus lib.95. Hiftor. and when they complained of the Act of the Queen as unjust and against the Law of Nations, and free Trade twas answered that they should not have license or leave to cary arms or corn

or any materialls ferving to hold up the war, but for other merchandises, they should have as free leave as ever. And when as they fent over into England their Agent Sebastian Van Bergen, with Letters of Request, that they might have free leave to Trade, and carry any fort of provision into Spain, they had this tart answer from the Queen and Councel; if they durst do so, they should be sure to be severely punished by her Majesties ships of warre, and prize to bee made beside. In Declar. Reg. 1589.

And the like stout & resolute answer was also given to the Danish Embassadours desiring & Solliciting for the same Anno 1597. And who knows not but John King of Sweden desired leave of the fame Queen to carry merchandife to Spain; but what need he ask the reason is rendred. Necesse ei fore Maritimas Regina ditiones pertransire (that is) he must of all necessity passe by the Queens Territories and Dominions, in Bib. Cotton: but of this sufficient; the Dutch may be in due time brought to acknowledge as much; they have done it to be fure, and humbly too, which follows next. + mill on beginn

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Leave

Leave to Fish upon our seas granted.

As none durst violate our power to passe, so much leffe durst any adventure to fish upon our seas: without speciall leave and license so to do first ob-

And first, Henry the fixth the French King obtained so much favour that he had leave granted him to fish one whole year onely, mark how though favoured, yet limited, fometimes twas granted to him for fix moneths onely, and fometimes again

again, he might fish when, and where, and as often as he pleased, he had leave, but first did modestly ask it, did not any wayes abuse it, this is found in the Rolls of France Hen. 6. reg. yet they were so lookd to, that they might not come with herring Buffes above thirty tun, and that our men should no way be molested, and that they should shew due obedience as they expected fecurity, and when they were bolder then welcome their ships were seised on.

And now to come to our Eastern seas, and those that are Northeast, did not the Hollanders and Zelanders in

great

great numbers fish for heerring and other fifth upon our Coast, but 'tis said first having obtained Leave from the Governour of our Caftle of Scarborough according to ancient Custome. What can be plainer? did they, and were they glad to ask leave, and now will they take it, and be their own carvers? Camb. in Brit.p. 506. and it is not to be imagined, fayes our Cambden what a maffe of wealth the Hollanders and Zelanders get by having leave to fish upon our Coafts.

and fo in the time of Queen Elisabeth, an expert Writer fayes thus , that the

Hollan-

Hollanders, Zelanders and those of Flanders, come upon our Eastern Coast, in the beginning of Summer with four or five hundred hering Busses to catch fish, but itis said, that before they fish they ask leave first, from the Governour of Scarborough. Hanse in those times had some modesty. See Hitchokes new years gift An. 1580.

And King James forbad that they or any other stranger should fish upon our coasts, except the Agents of such Countries residing in London had first obtained leave from the King Edict. Jac. 6. Maii.

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So 'tis manifest that those of Holland, Zealand, and Faiesland in Edward the 1. his reign, had leave granted to them to fish, and we did protect them also from danger, and this to be near Tarmouth, yet these Letters Pattents were not to be in force longer then to Saint Martins day, behold their limitation! as they had his Princely favour, so they had likewie fuch a precile time fet, and allowed to ceeded, they were to stand to his mercy, or fulfice for remission or infliction of punishment, Rot. Par. Ed. 1. Membran 5.

And

How

And the Hollanders fubmission and intreaty to the faid King shews, that they would not, could not, durft not fifth upon our feas, before they had leave granted unto them from the faid King, witnesse those expreffions of the King in that Cafe. In tender favour and compassion we bear unto those of Holland and Zealand, and to other neighbours we wil fend out some of our men of war towards the Northern feas, to fafeguard and to protect their thips fent out to fifth for herring, and to secure and guard their Sea Coasts, whilest they are fishing.

How now Lands-man or Dutchman; what you were then not onely limited, but also protected by Royal favour, and not onely to fish but we defended your very fen Coasts, during that time by our men of war. you were not in those times (it feems) able to fecure your selves, or fish fafe without our fafeguarding you; for if you had, you would not so earnestly requested this favour at our hands;and will you at prefent not defend us, if wee flood in need of it, (which thanks be to God) we do not, but also fight us in our own bosoms and Channels?

Channels? how do these recorded favours of ours (if there were no more) towards you, and unmeritted by you from us, speak fhame to your faces for requiting us with fo much evil for fo much good to your Progenitors, and your felves too: nay, we had fuch undoubted power and and Right then on the feas, that you were ordered what ships you should use, and also what number should be imployed; and durst not transgresse, or disobey then, nay, indeed were glad you could have that favour and benefit by humble Request from this

Nation granted unto you. and bestowed upon you. Whereupon 'twas ordered, (and ye durft not nor could binder that Authority) that fometimes ye might and sometimes yee might notfish at all, and then when permitted, not with veffels that should exceed 30 Tun, and this is plaine by the Commissions and Authority given to the respective Governours of Tarmouth, Scarborough, VVbitby bay, Selden. in mare Clauf. 234. and to this purpose the Rofe Noble bears that impreffion, a King in a Royall hip, and the superscription Edward by the grace of God

God King of England, France, and Ireland, and on the other side Jefus autem transtens per medium illorum,ibat : Which King defended the feas with a mighty Navy of flout thips to the number of 1100. vefsells.33.of Edward the third Anno 1359. and the very engraving shews enough, as a Royall ship, a King crowned, a Sword, a Throne the Rose. What are these all but so many Blasons of our Rule at sea? According to that English Meetre.

Or Rose Noble Sheweth five

things unto me,

King, Ship, Sword, Rose, and power of the sea.

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And :

And what lesse meant the Emperour Sigismond in his speech to Henry the sisth, when he strove to make a peace betwixt him and Charle the sixth, the French King, and he said that it was the true English policy to keep safe our Land, to observe these three things, viz.

1. To cherish Merchandise, 2. To keep the Admiralty.

3. And to be masters of the

Narrow sea.

And when Sigismond saw Dover and Calice, and obferved their scituation, said to the King of England. Keep these two Towns sure

I wish your Majesty,

As

On the SEAS. 81

As your twein eine so keep the Narrow Sea.

But we proceed to another subject, that gives evident Testimoniall of our Soveraignty on the fea, viz.

And not genous it is E.S. All

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All Forreigners,
frike Sail, or
vail their Topfails to our ships
of War.

And for certain it is that this Honour our Nation hath had, timeout of mind, and it was really performed by those of Flanders, in their Embassage to our Edward the second, the French indeed at some times have been so bold as to question it, but they were alwayes punished by our men of war for their pride. And it hath been practised four

four hundred years fince in King John his Reign Anno 1200. for he gave out a certain Decree or Ordinance, with the advice of his Lords at Hastings in Suffex, to this effect, if the Admirall of our Navy, in his failing upon and down our feas, do meet with any ships or Vessels, loaden or unloaden, which will not at his command, or whom he shall appoint, frike fail, and vail, but shall fight our Navy, if they be taken : they shall be adjudged enemies, and moreover, both hips and goods to taken thall forthwith be confiscate and taken for prize, as other enemies,

mies, nay though the Masters and Captains of such thips thall after alledge that the faid ships do belong unto the Kings friends, and the men in the faid ships shall be punished by imprifonment during our pleafure as Rebels and Traytors. Commentar. de Reb. Admiral. fol. 28. And it is tobe feen in the old Records in the Tower, in a bundle of Parchments above four hundred years fince, which have reference to the times of Henry thethird, and Edward the first. The first of these Parchment Rolls containing an agreement betwixt Edward the first, and

and Guy Earl of Flanders, concerning the colours and Enfignes to be fet upon ships at seas to know and distinguish them, upon one of them on the backfide, is written de Baion, but upon the uppermost part of every one of them is added De Superioritate Maris Anglia, & jure officii Admirallitatus in codemy (thatis) of the superiority or Dominion of the sea of England, and of the Office of Admiralty in the fame. And for the further certainty of the truth hereof, that learned Mr. Selden in his Mare Clausum hath word for word fet it forth in print, amongst

amongst other particulars in it, I have gleaned fo" much, that all the States of forreign Princes, who convened about the fetling Sea-differences, and there were present very many, as from Genos, Catalonia, Spain, Germany, Zealand, Holland, Friesland, Denmark and Norway, and further 'tis exprefly faid, Et de Plusours Autres Lieux de l'Empire, wth many other likewise of the Empire, yet by all thefe, the then King of England was reputed acknowledged and confessed to be as his Predecessors time out of mind alwayes had been En paifible possession de la Sousreigne .

Feign Seignurie de la mier d' Engleterre el des Isles este auns en Icelle, (that is) in the peaceable and quiet possession of the Sovereign Dominion of the English sea, and of the Islands belonging to the same, and they altogether did not onely acknowledge this, but did all desire, and crave to be in, and under his desence and safe-guard: Selden in mare Claus. lib.2.cap.28.

And it appears plainly, that we have had the power of the seas also betwixt England and Ireland, for it was agreed in Parliament Ne quis externs in mare Hibernico piscaretur (that is) that

that no ftranger or forreigner should fish in our Irish sea, except he, or they had first obtained leave of the Lord Deputy, or from some other Officer lawfully appointed to overfee the fame, or from the King and his Councell : and hereupon it was, that there were set Rates to be paid for severall ships, as one or any ship of twelve Tuns should pay yearly 13 s. 4 d. and if lesser 2.s. and in case they faild in performance here of then the ships, weapons, furniture, and all the goods, to be for prize, Statut. Hibern. 5.Ed.4. C. 6. and King James commanded it, that

nostranger whatsoever, not having leave first granted unto him, should fish upon the feas, Edict. 6. Jacobi 7.

So also is it as manifest, for our Dominion and power upon the Northern fens, for King James and the Parliament ordered for the feas, thus, That all manner of Fishers that occupie the Seas, and other person . whatfoever, who flay or kill herring or white fish upon the Coast, to bring them into freePorts, whereby his Majesties Customes be not defrauded, nor his Highnes Lieges, or Subjects be frustrated of the commodity appointed unto them

them by God, under the pain of confiscation of the Vessells and goods of all that come contrary hereto, to the Kings use, Edid .7. Jacob. R. Martii 6. Or Parliam. 4. Jac. cap. 60.

The Reader would be weary if we should produce more examples and Presidents of this kind, that therefore we may the sooner conclude this Treatise, having already sufficiently shewed our priviledges, authority, power, jurisdiction and Dominion on, and over our seas, in the next place we lay open to all men.

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What

On the SEAS. 91 What miseries & inconveniencies, our Nation will in Short time suffer, if we do not uphold our power at sea against all Invaders or oppo-Jers what soever Dutch, Danes or French.

A Nd first a generall decay of Trading and MerMerchandise, which as it is one of the finews of our Land, fo tis as advantageous there's, none fo ignorant, but knows the inestimable benefit that our Nation alwayes hath had by forreign traffick, how have thoufands, and sen thousands been enriched, and made great by it? what famous fea Captains, and feamen hath it maintained alone? what infinite fummes of Treasure hath it brought into our land? how doth it keep millions of people in honest labour, and helps to the maintaining thousands of Families, and for certain the decay of it alone will auickly

quickly be felt through the whole Land; for this therefore, if there was nothing else to incite all English men it behoves us to our utmost to keep up our power at sea.

Secondly Invalion by forreign foes to be feared, especially at this present, All our Neigbour Nations are up in Armes, great Navies daily at fea, we are the people that are the most hated and envyed, and opposed, how would the Dutch and Dane, and Scots, and Irifb and French, with others rejoyce to fee us ruined by Invalion, and certain it is our safety at Land confifts

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Englands Command fifts in our power at fea. what calamities and defor lations would not an Invafion bring in with it? all our just Rights and priviledges would be cancelled, our Laws abrogated, our Towns and Cities plundered and fired, our Castles destroyed, our Liberty loft, our wives and children and our selves made flaves or butchered forthwith, all our precious things devoured by strangers, and enemies: and therefore, 'tis good for us to maintain our forces and ships at sea, liberally and willingly, and we are all bound to crave Gods bleffing and protection to be for

ar

for ever with, and over

That therefore the Hollanders and Zealanders bafenesse and injustice may be unmasked, and all good people of the Land fatisfied and fettled in their minds concerning our maintaining our war against them, and any other, who shall combine with them, for there be thousands who mutter at the businesse, and feem to bear affection to their cause, though indeed without causes we wish them to confider these following Arguments against the Datch fighting with us and for own seas.

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The Dutch injuflice and Ingratitude to Fight against our Na-

tion.

First, they begun the war, and kindled the fire, and blowed the first Coal. They were the first Offendors, so its just and fitting on our parts to repulse the injuries and Affronts offered us, that this is true witnesse the barbarous and suncivill usage shewed to that ever Honorable Statseman the Lord Saint John, when he was Ambassador,

Ambassador from our State and refident at the Hague, the harbouring and maintaining the publick Enemies of our State, their common fending in Arms, and all manner of warlike provision into Scotland and other places which were at war with England; Adde to these their scandalous seditions pamphlers and books allowed to be printted in the disparagement of our State and Nation. These things are but some of those many, but these are all too true.

Secondly, as the Dutch began the war, so (as they conceived) they took the

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98 Englands Command advantage of the time also, intending to furprise us before we could have been in a ready posture to receive them, and for certain had not our State been prudent to foresee their craftinesse, and our Marriners and Land Souldiers as ready and willing to furnish our ships forthwith, they might have effected more on a fudden upon us, then now they are able, but to come to a period, we give our Countreymen a hint onely.

3. Thirdly, as they were crafty to cull out the time, fo they show themselves as Ingratefullto set against us their neighbors, their

friends,

99

friends, their old and truffy friends, their conservators, both of life and liberty, of wives, children, towns, and all whatfoever at present they have, and what we did for them 'twas freely and throughly performed, witnes that famous battell of Newport, when as all the Dutch did run the field, and all the Scots were kill'd,nay, the Prince of Orange wept, and gave all for loft, and was run a ship-board, and when the spaniards called openly Victoria, victoria, Sancta Cruz. & Sancta Maria yet all this while, though Sir Francis Veere, that Renowned Commander was alfo

also shot, and could not give direction, yet that religious and valorous Brother of his, Sir Horatio Veere, with the English Regiments kept the field, and fought it out to the utter overthrow of all the Spanish Army, according to that Song composed upon that battle. In Flanders once the field was fought,

With 40000 men at least, The Scotchmen stoutly held it

out,

The Dutchmen shew'd themselves like beasts.

For most men say all ran away Couragious call'd our English men.

But

But if that we had not fet them free,

Judge in what case they bad been then.

We spend our blood to do them good,

And help their Countrey to defend.

They pawn their Towns for English Crowns,

Which our good Queen to them did lend.

What can they now, (though so swel'd web pride fay to this, certainly we have deserved better from them, but what can be expected from such Borish people, But such ungratefull returns.

Fourthly, as they begun,

and now, and against us, so they are as Injurious to fight with us upon this occasion for desending our own goods, our own just Rights, our freedome, and sea priviledges, which do not in any the least manner belong unto them; tis true, they have been many years proling, and attempting, but now they take open arms to infest w.

Fifthly, not by themselves alone, but by solliciting other Nations to help them, as if it were not enough for themselves to do Injury, except they setch in other Consederates to make us, if they can miserable to the

on the SE AS. 103 utmost; and to this purpose they send their Agents to

they fend their Agents to France to Denmark, to Sweden, to Germany, with horrible and false Suggestions, and Informations against this Common-wealth of England, the sooner to incite them to fight against us of this Nation; and if possible utterly to ruine us; But we leave them knowing that as their beginning of war was simply unjust, so the end of it will prove as miserable and destructive to the Profecutors of it, O Dutch Hollander, remember we fay, remember what wil do in the end thereof, take one line more.

F 4

With

104 Englands Command With pride they are so puft; and blown.

That evry bore's becom a State Their former life is no more

known,

But forget what we did of late They boast and say, we must a-

Evn home unto our Native Land.

But ere 6. year me greatly fear, They'l wish that we did by them stand.

But to conclude our subject, we may affuredly fay, that perit quodfacis Ingrato, Save a thief fro the gallows and hee'l be the first to do you amischief, for certain tis that these Dutch ever fince the coming in of King James to the Crown of England,

England, have been the Younges of Englands Treafure, & have bin the people above all others who have decryed and vilified our Nation, in all the East and Southern parts of the world; and not onely fo, but have fomented occasions of quarrels, and raised scandalous jealousies of our Nation towards them, and upon meere false informations have rigoroufly, nay barbaroully proceeded to the murthering our Merchants and Factors whereever they could lay hands upon them, before ever they gave the least intimation of the crimes commit-F . 5 ted

before any fault was really perpetrated by our Nation

to them in those parts.

And wee cannot think their intentions to be altered from what they were: we shall be sure to find them worse against us, now if they obtain that which they have been long enderouring, viz. The Dominion of the seas and therefore Brave England bave a care

Thou needst not fear whether Dutch be thy joe or friend.

FINIS.

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